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January 28, 2005

BY CM/ECF

The Honorable Nancy Gertner, United States District Judge
United States District Court for the District of Massachusetts
John Joseph Moakley United States Courthouse
1 Courthouse Way
Boston, MA 02210

Re: Kestrel Holdings I, L.L.C., v. Learjet Inc. and Bombardier Inc.
04-CV-11153-NG (formerly 04-MC-10068-NG)

Dear Judge Gertner:

I write on behalf of Plaintiff Kestrel Holdings I, L.L.C., to inquire whether the Court was expecting further action by any party before deciding the two outstanding issues in the above matter.

By way of background, this matter is a discovery dispute that flowed from a case pending in the District of Kansas, Kestrel Holdings I, L.L.C. v. Learjet, Inc. and Bombardier, Inc., Case No. 02-2388 (D. Kan.). In the District of Massachusetts, the Plaintiff filed a motion to compel discovery (Docket No. 1), which this Court granted after oral argument, and awarded the Plaintiff costs and attorneys' fees. See Order dated April 7, 2004 (Docket No. 10). As instructed in that Order, the Plaintiff submitted documentation of the costs and attorneys' fees on May 21, 2004 (Docket No. 12). Mr. Eager filed a response to the documentation on June 4, 2004 (Docket No. 13).

Thereafter, separately, Mr. Eager filed a motion to compel the Plaintiff to pay the expert fees of Mr. Eager on July 2, 2004 (Docket No. 14). The Plaintiff filed an opposition to the motion on July 16, 2004 (Docket No. 15).

It is the Plaintiff's position that both the award of attorneys' fees and costs already allowed by the April 7, 2004 Order and Mr. Eager's motion are ripe for decision and that there is

The Hon. Nancy Gertner, United States District Judge

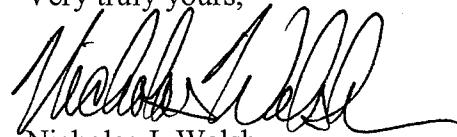
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no need for further oral argument. However, should the Court believe additional oral argument is necessary, the Plaintiff respectfully requests that such a hearing be conducted via telephone conference call so as to reduce the costs associated with this matter.

Thank you for your attention to this matter.

Very truly yours,



Nicholas J. Walsh

cc: Gary D. Justis, Esq. (By Facsimile and First Class Mail)
Richard L. Edwards, Esq. (By Facsimile and First Class Mail)
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